

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 3/26/03

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PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
Post Office Box 45029
Newark, New Jersey 07101

By: Olga E. Bradford
Deputy Attorney General
(973) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

GORDON B. STULL, V.M.D.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

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Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by Gail Carol Biddle, on or about March 4, 2002, concerning services rendered by the respondent, Gordon B. Stull, V.M.D., to her ten (10) year old mixed breed dog, "Ty," in or about July and August 2001.

On or about July 23, 2001, Ms. Biddle presented Ty to

Dr. Stull and advised him that the dog had been experiencing gastrointestinal problems accompanied with stools of mucus and blood. The owner believed Ty's problems stemmed from whipworm infestation. The respondent prescribed medication to treat the presumed intestinal whipworm infestation and maintains that Ms. Biddle declined to take his suggestions and run additional tests on the dog.

By July 30, 2001, Ty's condition had not improved. An appointment was set for August 8, 2001. On this date, an ultrasonographic examination of Ty's abdomen and ultrasound needle aspirates of his lymph nodes were performed by Geraldine Kaufman, A.C.V.I.M., a traveling internist and abdominal ultrasonographer, in Dr. Stull's office. Dr. Kaufman believed that Ty was suffering from neoplasia. The respondent maintains that Dr. Kaufman recommended follow-up testing of the aspirates be performed in order to achieve a definitive diagnosis. Ty's medical records indicate that this was attempted but the quality of the sample aspirates was fair to poor and no diagnosis could be made at that time.

While Ty's condition was not improving and despite the lack of a diagnosis, Dr. Stull recommended to the owner, on or about August 13, 2001, that a chemotherapy treatment be administered to arrest his suspected gastrointestinal lymphoma. Ty was administered a chemotherapy treatment on the next day, August

14, 2001. The dog's condition continued to deteriorate and Ms. Biddle took him to the Veterinary Hospital at the University of Pennsylvania for emergency care. Despite testing, treatment and exploratory surgery, Ty died on August 20, 2001.

In correspondence dated March 23, 2002, Dr. Stull provided the Board with a written response to Ms. Biddle's complaint. He denied any wrongdoing in connection with this matter and asserted that, while his decision to start chemotherapy on Ty without the benefit of a diagnosis was "overly aggressive," his decision and approach was logical given the information he had at the time.

The Board, following its review of the relevant documents in this matter, has concluded that Dr. Stull engaged in an act of repeated acts of negligence, in violation of N.J.S.A. 45:1-21(d), in that he did not have the requisite laboratory data and results necessary to provide a definitive diagnosis and that he elected to begin, and administered, chemotherapy to Ty without the benefit of a diagnosis of cancer. These facts establish a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately

protects the public health, safety and welfare, and for good cause shown:

IT IS, THEREFORE, ON THIS 26 DAY OF MARCH 2003,

ORDERED THAT:

1. The respondent Gordon B. Stull, V.M.D., shall pay a civil penalty, totaling **\$1,000.00** for engaging in repeated acts of negligence contrary to the mandates of N.J.S.A. 45:1-21(d). Payment for the civil penalty shall be submitted no later than ten (10) days from the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.;
2. Dr. Stull shall cease and desist from further violations of N.J.S.A. 45:1-21(d); and
3. Dr. Stull is hereby assessed costs in the amount of **\$250.00** incurred by the State in this matter. Payment for the costs shall be submitted to Ms. Aronson, Executive Director of the Board, at the address listed above, by certified check or money order made payable to the Board of Veterinary Medical Examiners, within ten (10) days of the entry of this Consent Order.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Neal Beeber DVM
NEAL BEEBER, D.V.M.
President

I have read and understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.

Gordon B. Stull
GORDON B. STULL, V.M.D.

DATED: 3/20/03

I hereby consent as to the
form of this Order.

William A. Garrigle
WILLIAM A. GARRIGLE, ESQUIRE
Attorney for Gordon B. Stull, V.M.D.

DATED: 3-24-03